

**REMARKS**

Claims 1-4, 12-15, 20-24, and 30-32 stand rejected under 35 USC 112, second paragraph, as being indefinite. Specifically, the Examiner states that the preambles in independent claims 1 and 15 make reference to methods of “identifying characteristics or properties of molecules;” however, the body of the claims fails to provide a connection between scanning the nanocodes identifying characteristics or properties of the molecules. Claims 1 and 15 have been amended to recite in the preamble that molecules are identified by simultaneously scanning nanocodes on a surface of the substrate. Further, the body of these claims has been amended to clarify that the analyzer utilizes the scanned information from the nanocodes to identify the molecules. Accordingly, this rejection should be withdrawn.

Claims 1-3 and 12-15 stand rejected under 35 USC 102(a) as being anticipated by Ashby. This rejection is respectfully traversed. Independent claims 1 and 15 have been amended to clarify that the devices include a scanning array capable of “simultaneously scanning the nanocodes” and an analyzer that is “capable of receiving simultaneously scanned information from the scanning array and utilizing the simultaneously scanned information to identify molecules associated with the nanocodes.” Accordingly, the analyzer is capable of receiving simultaneously scanned information from the scanning of the nanocodes and can utilize this information to identify not just the nanocodes, but molecules associated with the nanocodes. As described in the specification, in this manner the nanocodes can be used as tags for molecules of interest.

Ashby describes a surface analysis device in which only information on the scanned molecules are obtained. Ashby does not describe an analyzer in which molecules associated with the scanned molecules are identified as claimed. Accordingly, the rejection of claims 1-3 and 12-15 should be withdrawn.

Claim 4 stands rejected under 35 USC 103(a) as being unpatentable over Ashby in view of Finlan. Claim 4 depends from claim 1 and, accordingly, includes all of the limitations of claim 1.

Finlan is only cited by the Examiner with respect to the size of the array. Accordingly, as detailed above, neither Ashby nor Finlan describe an analyzer in which molecules associated with the scanned molecules are identified as claimed. Accordingly, this rejection of claim 4 should be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **070702007300**.

Dated: August 8, 2006

Respectfully submitted,

By 

Jonathan Bockman

Registration No.: 45,640

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 300

McLean, Virginia 22102

(703) 760-7769